



ADMINISTRATION AND
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE

1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

November 5, 2008

MEMORANDUM FOR COMMITTEE MANAGEMENT SECRETARIAT GENERAL SERVICES ADMINISTRATION

SUBJECT: Advisory Committee Consultation – Department of Defense Military Family Readiness Council

Section 581 of Public Law 110-181 directs the establishment of the Department of Defense Military Family Readiness Council (Attached).

The Department of Defense has reviewed the legislation and determined that establishment of this non-discretionary advisory committee is essential to DoD's mission, and that no other DoD or Executive Branch advisory committee meets the requirements outlined in the enabling statute.

Therefore, pursuant to 41 CFR § 102-3.50(a), the Department of Defense proposes to establish the Department of Defense Military Family Readiness Council at the earliest opportunity. However, prior to the establishing this non-discretionary federal advisory committee the Department of Defense, pursuant to 41 CFR § 102-3.60, respectively requests that the Committee Management Secretariat review and concur with the proposed charter for the Department of Defense Military Family Readiness Council (Attached).

If the Committee Management Secretariat (CMS) concurs with the proposed charter then the Department of Defense will: (a) submit the appropriate Federal Register notice; and (b) file the advisory committee's charter with the Library of Congress and the appropriate congressional committees. The proposed charter has been reviewed and approved by the Office of the General Counsel for the Department of Defense.

The Department of Defense Military Family Readiness Council, pursuant to federal statute, shall:

1. Review and make recommendations to the Secretary of Defense regarding the policy and plans required under 10 U.S.C. § 1781b;
2. Monitor requirements for the support of military family readiness by the Department of Defense; and
3. Evaluate and assess the effectiveness of the military family readiness programs and activities of the Department of Defense.

The Department of Defense Military Family Readiness Council is required by statute to submit an annual report to the Secretary of Defense and the congressional oversight committees on military family readiness. This report must be submitted no later than February 1st of each year.

The Department of Defense Military Family Readiness Council shall be composed of a chairperson and no more than eleven additional members. Pursuant to federal statute, the membership shall be:

1. The Under Secretary of Defense for Personnel and Readiness, who shall serve as the chair of the Council;
2. One representative of each Military Service;
3. Three individuals appoint by the Secretary of Defense from among representatives of military family organizations; and
4. The senior enlisted advisors of each Military Service.

With regard to the representatives from each Military Service, the Secretary of Defense has appointed the deputies of each Military Service to serve on the Council; their appointment will be based upon their ex-officio position in the Department of Defense. As for the representatives of the military family organizations, these individuals will be appointed as experts and consultants under the authority of 5 U.S.C. § 3109, and they will serve as special government employees. With the exception of travel and per diem for official travel, the special government employees shall serve without compensation.

The Department of Defense intends to authorize the Department of Defense Military Family Readiness Council to establish and use subcommittees, and the Council, to include any subcommittees, will operate under the provisions of the Federal Advisory Committee Act of 1972, the Sunshine in the Government Act of 1976 (5 U.S.C. § 552b, as amended), and 41 CFR, Parts 102-3 through 102-3.185.

If you should have any questions about this charter please contact me at 703-601-6128.

A handwritten signature in black ink, appearing to read "James D. Freeman II", is written over a horizontal line.

James D. Freeman II
Deputy Committee Management
Officer for the Department of Defense

2 Attachments
As stated

TAB 1

SEC. 573. INCLUSION OF DEPENDENTS OF NON-DEPARTMENT OF DEFENSE EMPLOYEES EMPLOYED ON FEDERAL PROPERTY IN PLAN RELATING TO FORCE STRUCTURE CHANGES, RELOCATION OF MILITARY UNITS, OR BASE CLOSURES AND REALIGNMENTS.

Section 574(e)(3) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2227; 20 U.S.C. 7703b note) is amended—

- (1) in subparagraph (A), by striking “and” at the end;
- (2) in subparagraph (B), by striking the period at the end and inserting “; and”; and
- (3) by adding at the end the following new subparagraph:
“(C) elementary and secondary school students who are dependents of personnel who are not members of the Armed Forces or civilian employees of the Department of Defense but who are employed on Federal property.”.

SEC. 574. PAYMENT OF PRIVATE BOARDING SCHOOL TUITION FOR MILITARY DEPENDENTS IN OVERSEAS AREAS NOT SERVED BY DEFENSE DEPENDENTS' EDUCATION SYSTEM SCHOOLS.

Section 1407(b)(1) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 926(b)(1)) is amended by inserting after the first sentence the following new sentence: “Schools to which tuition may be paid under this subsection may include private boarding schools in the United States.”.

Subtitle H—Military Families

SEC. 581. DEPARTMENT OF DEFENSE MILITARY FAMILY READINESS COUNCIL AND POLICY AND PLANS FOR MILITARY FAMILY READINESS.

(a) **IN GENERAL.**—Subchapter I of chapter 88 of title 10, United States Code, is amended by inserting after section 1781 the following new sections:

“§ 1781a. Department of Defense Military Family Readiness Council

“(a) **IN GENERAL.**—There is in the Department of Defense the Department of Defense Military Family Readiness Council (in this section referred to as the ‘Council’).

“(b) **MEMBERS.**—(1) The Council shall consist of the following members:

“(A) The Under Secretary of Defense for Personnel and Readiness, who shall serve as chair of the Council.

“(B) One representative of each of the Army, Navy, Marine Corps, and Air Force, who shall be appointed by the Secretary of Defense.

“(C) Three individuals appointed by the Secretary of Defense from among representatives of military family organizations, including military family organizations of families of members of the regular components and of families of members of the reserve components.

“(D) In addition to the representatives appointed under subparagraph (B), the senior enlisted advisors of the Army, Navy, Marine Corps, and Air Force, or the spouse of a senior

enlisted member from each of the Army, Navy, Marine Corps, and Air Force.

“(2) The term on the Council of the members appointed under paragraph (1)(C) shall be three years.

“(c) MEETINGS.—The Council shall meet not less often than twice each year.

“(d) DUTIES.—The duties of the Council shall include the following:

“(1) To review and make recommendations to the Secretary of Defense regarding the policy and plans required under section 1781b of this title.

“(2) To monitor requirements for the support of military family readiness by the Department of Defense.

“(3) To evaluate and assess the effectiveness of the military family readiness programs and activities of the Department of Defense.

“(e) ANNUAL REPORTS.—(1) Not later than February 1 each year, the Council shall submit to the Secretary of Defense and the congressional defense committees a report on military family readiness.

“(2) Each report under this subsection shall include the following:

“(A) An assessment of the adequacy and effectiveness of the military family readiness programs and activities of the Department of Defense during the preceding fiscal year in meeting the needs and requirements of military families.

“(B) Recommendations on actions to be taken to improve the capability of the military family readiness programs and activities of the Department of Defense to meet the needs and requirements of military families, including actions relating to the allocation of funding and other resources to and among such programs and activities.

“§ 1781b. Department of Defense policy and plans for military family readiness

“(a) POLICY AND PLANS REQUIRED.—The Secretary of Defense shall develop a policy and plans for the Department of Defense for the support of military family readiness.

“(b) PURPOSES.—The purposes of the policy and plans required under subsection (a) are as follows:

“(1) To ensure that the military family readiness programs and activities of the Department of Defense are comprehensive, effective, and properly supported.

“(2) To ensure that support is continuously available to military families in peacetime and in war, as well as during periods of force structure change and relocation of military units.

“(3) To ensure that the military family readiness programs and activities of the Department of Defense are available to all military families, including military families of members of the regular components and military families of members of the reserve components.

“(4) To make military family readiness an explicit element of applicable Department of Defense plans, programs, and budgeting activities, and that achievement of military family readiness is expressed through Department-wide goals that are identifiable and measurable.

TAB 2

CHARTER
DEPARTMENT OF DEFENSE MILITARY FAMILY READINESS COUNCIL

- A. Official Designation: The Committee shall be known as the Department of Defense Military Family Readiness Council (hereafter referred to as the Council).
- B. Objectives and Scope of Activities: The Council, under the provisions of 10 U.S.C. § 1781a and the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), shall:
1. Review and make recommendations to the Secretary of Defense regarding the policy and plans required under 10 U.S.C. § 1781b;
 2. Monitor requirements for the support of military family readiness by the Department of Defense; and
 3. Evaluate and assess the effectiveness of the military family readiness programs and activities of the Department of Defense.

The Council, no later than February 1st of each year, shall submit to the Secretary of Defense and the congressional defense committees a report on military family readiness. Each report, as a minimum, shall include the following:

1. An assessment of the adequacy and effectiveness of the military family readiness programs and activities of the Department of Defense during the preceding fiscal year in meeting the needs and requirements of military families.
 2. Recommendations on actions to be taken to improve the capability of the military family readiness programs and activities of the Department of Defense to meet the needs and requirements of military families, including actions relating to the allocation of funding and other resources to and among such programs and activities.
- C. Council Membership: The Council, pursuant to 10 U.S.C. § 1781a(b), shall be comprised of no more than 12 members appointed as follows:
1. The Under Secretary of Defense for Personnel and Readiness, who shall serve as chair of the Council.
 2. One representative of each of the Army, Navy, Marine Corps, and Air Force, who shall be appointed by the Secretary of Defense.
 3. Three individuals appointed by the Secretary of Defense from among representatives of military family organizations, including military family organizations of families of members of the Active duty components and of families of members of the Reserve components.
 4. The senior enlisted advisors of the Army, Navy, Marine Corps, and Air Force, or the spouse of a senior enlisted member from each of the Army, Navy, Marine Corps, and Air Force.

The individual representatives of the Army, Navy, Marine Corps, and Air Force shall be regular government employees, and are appointed by the Secretary of Defense based upon their ex officio position in the Department of Defense: the Vice Chief of Staff, U.S. Army; the Vice Chief of Naval Operations, U.S. Navy; the Vice Chief of Staff, U.S. Air Force; and the Assistant Commandant of the U.S. Marine Corps.

Pursuant to 10 U.S.C. § 1781a(b)(C), the term of office for those individuals appointed by the Secretary of Defense from military family organizations shall be three years.

Council members appointed by the Secretary of Defense, who are not full-time or permanent part-time employees of the federal government, shall be appointed as experts and consultants under the authority of 5 U.S.C. § 3109 and, with the exception of travel and per diem for official travel, they shall serve without compensation. These experts and consultants shall be considered Special Government Employees, and their appointments, regardless of their term of office, shall be renewed by the Secretary of Defense on an annual basis.

- D. Council Meetings: The Council shall meet at the call of the Council's Designated Federal Officer, in consultation with the chairperson. Pursuant to 10 U.S.C. § 1781a(c), the Council, as a minimum, shall meet twice a year.

The Designated Federal Officer shall be a full-time or permanent part-time DoD employee, and shall be appointed in accordance with established DoD policies and procedures. In addition, the Designated Federal Officer shall attend all Council and subcommittee meetings.

The Council shall be authorized to establish subcommittees, as necessary and consistent with its mission, and these subcommittees or working groups shall operate under the provisions of the Federal Advisory Committee Act of 1972, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b, as amended), and other appropriate federal regulations.

Such subcommittees or workgroups shall not work independently of the chartered Council, and shall report all their recommendations and advice to the Council for full deliberation and discussion. Subcommittees or workgroups have no authority to make decisions on behalf of the chartered Council nor can they report directly to the Department of Defense or any federal officers or employees who are not Council Members.

- E. Duration and Termination of the Council: Pursuant to 10 U.S.C. § 1781a, the need for this advisory function is on a continuing basis; however, the Council's charter is subject to renewal every two years.
- F. Agency Support: The Department of Defense, through the Under Secretary of Defense for Personnel and Readiness, shall provide support as deemed necessary for the performance of the Council's functions, and shall ensure compliance with the requirements of 5 U.S.C., Appendix, as amended.

- G. Operating Costs: It is estimated that the annual operating costs, to include travel and contract support, for this Council is \$5,000,000.00. The estimated cost in man-years to the Department of Defense is 4.3 full-time equivalents.
- H. Recordkeeping: The records of the Council and its subcommittees shall be handled according to section 2, General Records Schedule 26 and appropriate DoD policies and procedures. These records shall be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C. § 552, as amended).
- I. Charter Filed: